

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks, and entry of this paper, is respectfully requested. The applicant has reviewed the Non-Final Office Action of July 6, 2005, and respectfully asserts that this paper is responsive to all points raised therein.

I. Interview Summary

The applicant wishes to thank the Examiner, Mr. Andre Jackson, for the telephonic interview with the undersigned attorney on August 24, 2005. During the interview, all pending claims were discussed, as were suggestions for amendments to claims 22 and 25, that appear above, and are supported by the arguments below, although agreement was not reached. U.S. Patent No. 6,065,917 to Shambeau, et al. (Shambeau '917) was discussed.

II. Status of the Claims

Claims 22-25 and 36-48 are presently pending. Claims 22 and 25 have been amended. Claims 43-48 are newly added. Claims 1-21 and 26-35 were been cancelled in a previous paper.

III. Allowable Subject Matter

The applicant notes the Examiner's indication of allowable subject matter of claims 23, 24, 36 and 37. These claims were objected to, but allowable if rewritten to include the limitations of the claims on which they are based.

These objected to claims have been rewritten as claims 43-48. They are discussed further below.

IV. Rejections Under 35 USC 102(b)

Claims 22, 25 and 38-42 were rejected under 35 USC 102(b) as anticipated by Shambeau, et al. (U.S. Patent No. 6,065,917) (Shambeau '917).

Claims 22 and 25 have been amended to additionally recite the at least substantially central positioning of the foot member with respect to the D-shaped ring member.

Shambeau '917 teaches a tie down anchor with a ring 44 that is retained between plates for floating rotary and pivotal (up and down) movement. The floating rotary movement includes rotary movement as well as linear movement (movement of the ring 44 when it is in the down position in a relatively straight line), within the plates. As a result of this desired movement, there can not be any structure positioned substantially centrally on the ring 44, for to do so would destroy the ring for its intended purpose. Specifically, the ring 44 would be unable to move linearly as part of the floating rotary movement.

This is in contrast to the claimed invention, where a foot member is positioned substantially centrally on the D-shaped ring member. This substantially central positioning of the foot member allows for the D-shaped ring member to actuate a latch member, when it is rotated.

Moreover, the structure cited by the Examiner as the foot member, includes the ends of base leg 46. This is in complete contrast to the at least substantially centrally positioned foot member, recited in claims 22 and 25.

Based on the above, it is respectfully asserted that Shambeau '917, does not show, teach or suggest, the structure of claims 22 and 25. Accordingly, claims 22 and 25 are not anticipated

by Shambeau '917 under 35 USC 102(b), or rendered obvious by Shambeau '917 under 35 USC 103(a).

Since claims 22 and 25 are neither anticipated under 35 USC 102(b) or rendered obvious under 35 USC 103(a) by Shambeau '917, claims 23, 24, 36-39, and 40-42, respectively dependent thereon, are also allowable for the same reasons. These claims further distinguish the invention over the cited art.

V. New Claims 43-48

New claims 43-48 have been added. These claims include independent claims 43 and 47. These claims round out the scope of the invention, and are allowable, objected to, claims 23 and 24. Additional dependent claims, based on these claims, are discussed below.

Claim 43 is base claim 22, with the limitations of claim 23 added therein. Claims 44-46 are dependent on claim 43, and correspond to dependent claims 36, 38 and 39.

Claim 47 is base claim 22, with the limitations of claim 24 added therein. Claim 48 is dependent on claim 47, and corresponds to dependent claim 37.

VI. Conclusion


Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Entry of this paper and allowance of all pending claims, 22-25 and 36-48, is respectfully
requested.

Respectfully submitted,

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